BEFORE THE ARIZONA BOARD OF OSTEOPATHIC EXAMINERS IN MEDICINE AND SURGERY

In the Matter of

IAN D. MACGILLIVRAY

Holder of License No. 1095
for the Practice of
Osteopathic Medicine and
Surgery in the State of
Arizona

No. 766

CONSENT TO ENTRY

OF ORDER

Arizona

A complaint against Ian D. MacGillivray, D.O. holder of license number 1095 for the practice of Osteopathic Medicine and Surgery in the State of Arizona has been received by the Arizona Board of Osteopathic Examiners in Medicine and Surgery. The complaint alleged that Dr. MacGillivray engaged in unprofessional conduct proscribed by A.R.S. § 32-1854(3) by his conviction by a jury on December 9, 1987 in Maricopa County Superior Court in CR164338 of 12 separate felonies.

In lieu of a formal hearing and as a final disposition of this matter, Ian D. MacGillivray, D.O.:

- 1. Admits the truth and accuracy of the attached Findings of Facts and Conclusions of Law;
- 2. Consents to the entry of the attached Order and agrees to abide by its terms;
- 3. Acknowledges that all investigative material prepared and received by the Board concerning the violation and

all related exhibits, notices and pleadings may be retained in the Board's files as a record of this matter;

- 4. Waives all rights to a hearing, re-hearing, appeal, or judicial review relating to the Findings of Fact and Conclusions of Law and Order;
- 5. Agrees that the attached Findings of Fact and Conclusions of Law and Order will be conclusive evidence of a prior violation and may be used for any lawful purposes, including but not limited to licensure, re-licensure, and/or the determination of any sanctions in any future disciplinary matters:
- 6. Understands counsel may be consulted prior to entering into this Consent to Entry of Order and represents that such consultation has been obtained;
- 7. Understands this Consent to Entry of Order and the terms and provision hereof, and the effect of said terms and provisions, and consents and agrees to be bound hereby, specifically including by way illustration but not limitation, the terms and conditions of the Order contained herein;
- 8. Agrees that this Consent to Entry of Order will be effective upon acceptance by the Board;
- 9. Agrees that the word "Respondent" as it appears in this Consent of Entry of Order refers to Ian MacGillivray, D.O.

DATED this May of October, 1888

IAN D. MACGILLIVRAY, D.O.

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Pursuant to the foregoing Consent to Entry of Order and the records and files and admissions in this matter, and good cause appearing, the Arizona Board of Osteopathic Examiners in Medicine and Surgery enters the following Findings of Fact, Conclusions of Law and Order:

FINDINGS OF FACTS

- 1. Dr. Ian MacGillivray, D.O. on December 9, 1987, was convicted of Count 1, fraudulent schemes and artifices, a Class 2 felony in violation of A.R.S. §§ 13-2310, 701, 702, 801 and 807, in Maricopa County Superior Court in CR 164338.
- 2. Dr. Ian MacGillivray, D.O. on December 9, 1987, was convicted of Count 2 through Count 11 inclusive. fraudulent insurance claims, Class 5 felonies in violation of A.R.S. \$\\$ 44-1220, 13-701, 702, 801 and 807, in Maricopa County Superior Court in CR 164338.
- 3. Dr. Ian MacGillivray, D.O. on December 9, 1987, was convicted of Count 12 theft of property of a value of \$1,000 or more with more prior felony offense, a Class 3 felony in violation of A.R.S. §§ 13-1801, 1802, 2305, 701, 702, 801, 807 and 604, in Maricopa County Superior Court in CR 164338.
- 4. On March 4, 1988, Dr. MacGillivray was sentenced to a term of 5 years in the Arizona State Prison. Dr. MacGillivray is at the present time incarcerated in the Arizona State Prison in Douglas, Arizona.

CONCLUSIONS OF LAW

1. Ian D. MacGillivray, D.O., is the holder license number 1095 for the practice of Osteopathic Medicine and Surgery in the State of Arizona. Said license was issued by the Arizona Board of Osteopathic Examiners in Medicine and Surgery;

- 2. The Arizona State Board of Osteopathic Examiners in Medicine and Surgery is a duly constituted authority for the regulation and control for the practice of Osteopathic Medicine and Surgery in the State of Arizona;
- 3. The Board has the authority to notice and conduct hearings and discipline licensees. A.R.S. § 32-1855;
- 4. The conduct alleged in paragraph 1 through 4 of the Findings of Fact represents violations of A.R.S. § 32-1854(A)(3), commission of a felony.

ORDER

IT IS HEREBY ORDERED, that license number 1095 issued to Ian D. MacGillivray, D.O. be revoked effective $\frac{-|C|/9/88}{}$.

every felony conviction entered against Dr. MacGillivray in CR 164338 is set aside on appeal, license number 1095 shall be fully reinstated to Dr. MacGillivray and the revocation set forth herein shall be vacated. This provision respecting reinstatement of Dr. MacGillivray's license in the event the convictions are set aside on appeal shall only be operative if all 12 convictions are set aside on appeal; affirmance on appeal of any single conviction, or more than one conviction but less

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than all of the convictions originally entered, shall be sufficient for purposes of this revocation, and said revocation of license 1095 shall be deemed resulting from such conviction(s) as are affirmed on appeal.

ENTERED this 14th day of October, 1988.

THE BOARD OF EXAMINERS OF OSTEOPATHIC MEDICINE AND SURGERY

By Mary L. Tucker

Executive Director

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